

APPEAL NO. 022095
FILED SEPTEMBER 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 29, 2002. The hearing officer determined that while the claimant may have sustained an injury, the claimant did not sustain a compensable injury; that the claimant did not have disability, that the date of the claimed injury is _____; and that the claimant did not timely notify her employer pursuant to Section 409.001. We will infer a finding of no good cause for the untimely notice to the employer.

The claimant appeals on a number of factual sufficiency grounds, including that the employer's witnesses were not credible, that one of the doctors had misunderstood her, and that the date of injury is _____. The carrier responded urging affirmance.

DECISION

Affirmed.

The claimant testified that she injured her shoulders, neck, and back on _____, while carrying or pulling some trays of tapes. The key factor in this case is the date of injury. There is evidence, including disputed medical records and the claimant's own recorded statement, that the claimant began having pain and problems in "_____." It is largely undisputed that the claimant reported her injury to the employer on _____. The claimant alleges that one the doctors she saw "to be incompetent" because he put an _____ date of injury. The claimant explained that the prescription for naproxyn that she was taking in November and, December 2001 "was for allergy."

The evidence was in conflict and presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge